



Kolkata Gazette

Extraordinary

Published by Authority

AGRAHAYANA 27 |

THURSDAY, DECEMBER 18, 2008

| SAKA 1930

PART I- Orders and Notifications by the Governor of West Bengal, the High Court, Government Treasury etc.

GOVERNMENT OF WEST BENGAL

Department of Jails

Notification

No.1005-Jails dated the 14th day of November 2008. In exercise of the powers conferred by section 99A read with section 106 of the West Bengal Correctional Services Act, 1992 (West Ben. Act XXXII of 1992), the Governor is hereby pleased to make the following rules:-

The West Bengal Prisoners' Welfare Fund Rules, 2008

1. **Short title, extent, commencement and applications.-**

- (1) These Rules may be called the West Bengal Prisoners' Welfare Fund Rules, 2008.
- (2) They shall extend to the whole of West Bengal.
- (3) They shall come into force on the date of their publication in the Official Gazette.
- (4) They shall apply to all Prisoners undergoing imprisonment in any correctional home of the state of West Bengal

2. **Definitions.-**

(1) **In these Rules, unless the context otherwise requires,-**

- (a) "Act" means the West Bengal Correctional Services Act, 1992;
- (b) "Central Executive Committee" means a committee constituted under sub-rule (1) of rule 7
- (c) "Circle Executive Committee" means a committee constituted under rule 10;
- (d) "Correctional Home" means any place used permanently or temporarily under the orders of the state government for detention of persons, whether under-trial or convicted, in accordance with any order for confinement under any law providing for preventive detention or any other law for the time being in force, but does not include a place for the confinement of a person under the custody of the police;
- (e) "Fund" means the West Bengal Prisoners' Welfare Fund constituted under rule 3;

- (f) "Prisoner" means a person confined in a correctional home under a writ, order or warrant made by a court or authority under any law for the time being in force;
 - (g) "Section" means a section of the Act;
 - (h) "State Government" means the Government of West Bengal in the Department of Jails
- (2) Words and expressions used and not defined in these Rules but defined in the Act shall have the same meanings respectively assigned to them in the Act.

3. Constitution of the Fund.-

With effect from the coming into force of these Rules, there shall be constituted a Fund by the name of the West Bengal Prisoners' Welfare Fund in the Office of the Inspector General of Correctional Services, West Bengal.

4. Objectives of the Fund.-

The Fund is constituted with the sole objective of

- (a) Providing scope of corrections to the Prisoners in the correctional homes by means of different socio cultural, educational and vocational activities;
- (b) Providing financial support to the Prisoners in the correctional homes for availing of treatment facilities and other pathological/ clinical/ other tests/examinations when not expeditiously possible under normal Government support;
- (c) Providing educational opportunities to the children of the Prisoners back home/ accompanying their parents in the correctional homes;
- (d) Providing financial support to the families of the Prisoners for sustenance and other emergent requirements on the basis of a realistic assessment of the financial status of the families;
- (e) Providing post-release support to the Prisoners for their rehabilitation into the mainstream society by way of providing tools and equipments for taking up a profession or calling, implementation of schemes for productive pursuit.

5. Procedure for contribution to the Fund.-

Any person or organization including corporate houses intending to contribute to the Fund may apply to the Inspector General of Correctional Services, as Chairperson of the Central Executive Committee, in writing. The Chairperson shall obtain written clearance from the State Government and approve of the contribution. The contribution shall be made through account payee cheque / draft in the name of the West Bengal Prisoners' Welfare Fund provided that for contribution from the State Government, Central Government, State Government Undertakings and Central Government Undertakings, no such approval from the State Government shall be required.

6. Utilization of the fund: The Fund shall be utilized for the following purposes:

- (a) Providing post release support to the Prisoners for their rehabilitation into the mainstream society by way of providing tools and equipments for taking up a profession or calling, implementation of schemes for productive pursuit etc.;
- (b) meeting expenses in connection with pursuit of different courses by the Prisoners, including tuition fees, examination fees for higher studies and grant for purchase of books and stationeries;
- (c) providing support to the families of the Prisoners, back home for subsistence in case of abject poverty and for meeting emergent expenses for marriages, treatment etc.;
- (d) for providing support to the children and other dependents of the Prisoners by way of scholarship, financial support for pursuing studies including cost of tuition, examination fees, hostel charges etc.;

- (e) payment of rewards to the Prisoners for exceptional performance in the cultural or social sphere and/ or on issues having positive effect on discipline in the correctional homes.

Provided that support to the Prisoners and/or the families under (a) to (e) mentioned above will primarily be extended to the Prisoners who have been convicted by a Court of Law and are undergoing sentences. The Central Executive Committee, however, will have the discretion to extend the support to exceptionally deserving Prisoners under trial who have been incarcerated in the correctional home/s for more than a year and are likely to continue for further period;

- (f) for organizing various collective welfare, sports, cultural and recreational activities in different correctional homes in the state. Such activities will be aiming at achieving educational, social, cultural advancement of the Prisoners for their integration into the mainstream society, both during their stay in the correctional homes and thereafter;
- (g) for organizing different vocational training courses for the Prisoners in the correctional homes aiming at vocational advancement of the Prisoners for their integration into the mainstream society, both during their stay in the correctional homes and thereafter;
- (h) for purchase of equipments and tools for promotion of sports and cultural activities in the correctional homes;
- (i) for observance of various days of national and international importance including the days earmarked for some specific social campaigns;
- (j) for celebration of various religious and other ceremonies within the correctional homes, with specific permission from the authority;
- (k) for publication of newsletters, magazines, journals, books written by the Prisoners and/ or with written contribution from the Prisoners;
- (l) for purchase of books for the Library for the Prisoners in the correctional homes;
- (m) for organizing special sessions in the correctional homes for prevention of drug abuse, substance abuse, counseling on HIV & AIDS and other sexually transmitted diseases;

Provided that the activities mentioned in sub clauses (f) to (m) being collective in nature, the services envisaged in the said clauses shall be extended to all the Prisoners in the correctional homes irrespective of their status as convicts/ under trials/ released prisoners.

7. **Management, control and superintendence of the Fund.-**

- (1) For the Management, control and superintendence of the Fund there shall be constituted a Central Executive Committee comprising of the following members:
- (a) Inspector General of Correctional Service - **Chairperson**
- (b) Two representatives of the Department of Jails, Government of West Bengal to be nominated by the Departmental Secretary - **Members**
- (c) An Officer from the Audit & Accounts Service to be nominated by the Finance Department, Government of West Bengal - **Member**
- (d) An Additional Inspector General of Correctional Services, West Bengal to be nominated by the IGCS - **Member**
- (e) A Deputy Inspector General of Correctional Services, West Bengal to be nominated by the IGCS - **Member-Secretary**
- (f) Superintendents of all the Central Correctional Homes of the State and Presidency Correctional Home - **Member**
- (g) Superintendent of one of the Women Correctional Homes to be nominated by the IGCS - **Member**
- (h) One representative each from 2 renowned Non Government Organizations working in the correctional homes in the state to be nominated by the State Government - **Member**

- (2) No expenditure out of the Fund shall be made without express authority of the Chairperson of the Central Executive Committee, i.e., the Inspector General of Correctional Services, West Bengal. The Chairperson shall have the authority to sanction expenditure for individual welfare of the Prisoners or for collective purposes. Any such sanction, however, shall be placed in the meeting of the Central Executive Committee for ratification.
- (3) A separate Bank account in any branch of the State Bank of India or any other Nationalized Bank shall be opened for management of the Fund. The account shall be jointly operated by the Chairperson and the Member Secretary.
- (4) At the Circle level, advances shall be given to the Chairpersons of the six Circle Executive Committees.
- (5) Separate Cash Book shall be maintained for keeping accounts of the Fund and the accounts shall be completely separated from the Government accounts maintained by the Office of the Inspector General of Correctional Services.
- (6) The accounts of the Fund shall be audited every year by competent Audit Officers of the Government of West Bengal.

8. Meetings of the Central Executive Committee.-

- (1) The Central Executive Committee shall have quarterly meetings, frequency of which may further be increased by the Chairperson if deemed necessary.
- (2) The Chairperson shall be authorized to convene emergent meetings of the Central Executive Committee as and when exigency arises.
- (3) In the meetings of the Central Executive Committee, a simple majority of the members will form quorum.

9. Functions of the Central Executive Committee.-

The Central Executive Committee shall

- (a) frame broad guidelines for utilization of the Fund;
- (b) prepare annual activity calendars;
- (c) sanction proposals received from the correctional homes for support to Prisoners / families, after due scrutiny and consideration. Such proposals will have to be placed by the Member-Secretary with prior approval of the Chairperson;
- (d) sanction proposals received from the Member-Secretary for expenses towards collective activities for the welfare of the Prisoners, after due scrutiny and consideration. Such proposals will have to be placed by the Member-Secretary with prior approval of the Chairperson;
- (e) decide on allocation of advances to the Circle Executive Committee for meeting emergent expenses for the welfare activities, both at individual and collective levels;
- (f) approve fund raising proposals to be submitted to the Government- both in the State and at the Centre/ UN Organizations/ International and other NGOs;
- (g) have the authority for general superintendence and control of the Fund

10. Constitution of the Circle Executive Committee.-

There shall be constituted a Circle Executive Committee comprising of the following members:

- (a) The Superintendent, Central Correctional Home- Chairperson
- (b) The Deputy Superintendent/ Senior-most Chief Controller in the Central Correctional Home- Member- Secretary
- (c) One Medical Officer to be nominated by the IGCS- Member
- (d) One Welfare Officer to be nominated by the IGCS - Member
- (e) One Chief Head Warder to be nominated by the IGCS- Member
- (f) Accounts Officer/ Head Clerk of the concerned central correctional home- Treasurer
- (g) Representative of one reputed NGO working in the correctional homes in the Circle to be nominated by the IGCS- Member
- (h) Two convict Prisoners from the central correctional home to be nominated by the IGCS - Members

Member mentioned against (c) to (h) above shall be nominated on rotation and the tenure of a member selected for nomination shall be of one year with the provision of extension by another year. There shall be compulsory change after two years of tenure of a member so nominated in the Committee.

Provided that to be eligible for nomination under (h) above, the convicts must have undergone at least one year of imprisonment with very good record as on the date of nomination and with at least one more year of prison term to undergo.

11. Functions of the Circle Executive Committee.-

The Circle Executive Committee shall have the following functions:-

- (a) receiving of applications from individual Prisoners for welfare assistance;
- (b) preparation of an annual calendar of collective activities for the welfare of the Prisoners in the correctional homes within the Circle;
- (c) monitoring welfare activities at the correctional homes within the Circle;
- (d) recommending individual applications for welfare grants to the Central Executive Committee at the State level.

12. Meetings of the Circle Executive Committee.-

(1) The Circle Executive Committee shall meet once every month and earlier if the Chairperson considers it desirable for adequate reasons to be recorded in the minute book.

(2) A simple majority of the members of the Committee shall form quorum.

(3) The Member Secretary of the Committee shall receive written request from the Prisoners in the correctional homes within the Circle for assistance and place the same before the Committee. Decision of the Committee shall be final and binding. However, for any financial assistance exceeding rupees one thousand, the Circle Executive Committee shall place the proposal, after consideration, before the Central Executive Committee for approval. Decision of the Central Executive Committee shall be final and binding in those cases.

(4) Minutes of the meeting shall be recorded in a minute-book.

(5) Chairperson of the Circle Executive Committee, however, may grant monetary help not exceeding rupees two hundred fifty in individual cases and not exceeding rupees five hundred between one meeting of the Committee and the other in case of exigency. Sanctions so given by the Chairperson shall be placed in the next meeting of the Committee for ratification.

13. Grant of advances by Central Executive Committee to Circle Executive Committee.-

(1) For extending financial assistance to the Prisoners and for incurring expenditure for collective activities, the Central Executive Committee shall advance a sum not exceeding rupees five thousand to the each of the six Circle Executive Committee for meeting regular and special expenditure towards welfare of the Prisoners.

(2) The advance shall be in the nature of permanent advance and shall be recouped every quarter on the basis of written request from the Circle Executive Committees.

(3) Accounts of advances shall be kept in separate cash book at the Circle level and shall be submitted to the Member-Secretary of the Central Executive Committee on a quarterly basis.

(4) Fund so advanced to the Circle Executive Committee shall be kept separate from Government fund and shall be secured in separate cash box to be kept by the Treasurer of the Committee.

(5) Any expenditure from the advance so received shall be placed in the monthly meetings of the Circle Executive Committee.

14. Disqualifications for membership of Central Executive Committee or Circle Executive Committee.-

(1) A member of the Central Executive Committee or Circle Executive Committee shall be disqualified for being chosen as, and for being, such member-

- (a) If he is of unsound mind and stands so declared by a competent Court; or
- (b) If he is an un-discharged insolvent; or
- (c) If he commits a breach of trust; or
- (d) If he is convicted by a competent Court for an offence involving moral turpitude; or
- (e) If he is facing a Departmental Proceedings for misappropriation of Government Funds or serious allegations of moral turpitude inside the correctional home.

(2) The State Government may remove any member of the Central Executive Committee or Circle Executive Committee who has incurred any of the disqualifications as aforesaid, after giving him an opportunity of being heard.

15. Accounts and Audit.-

- (1) Accounts of the Fund shall be kept separate from the Government Funds.
- (2) The Member-Secretary of the Central Executive Committee or any other officer authorized by the Chairperson of the Central Executive Committee shall prepare the annual report for each financial year and submit the same to the State Government.
- (3) The accounts of the Fund shall be examined and audited by an Auditor appointed in this behalf by the State Government, at least once in a year.

By order of the Governor

(Bimal Pande)

Secretary to the Government of West Bengal